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The Adjutant General's Department
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STANDARDS OF CONDUCT
FOR
KANSAS NATIONAL GUARD TECHNICIANS

TABLE OF CONTENTS

	<u>PAGE</u>
PURPOSE	i
STANDARDS	ii
CHAPTER 1 Administration	1
CHAPTER 2 Agency Regulations Governing Ethical & Other Responsibilities of Employees	2

This pamphlet supersedes AGO TPP 735 Standards of Conduct for Kansas National Guard Technicians dated 10 January 1991

PURPOSE

High standards of honesty, integrity and conduct by Government employees are essential not only to the proper performance of the Governments business but to the confidence and respect that all citizens have in their Government. Standards of Conduct expected of our employees are published here to inform and remind our employees of the ethical behavior expected of them.

STANDARDS

SECTION

1. Gifts Entertainment and Favors
2. Outside Activities
3. Misuse of Position
4. Conflicting Financial Interests
5. Indebtedness
6. Gambling Betting and Lotteries
7. Engaging in Riots or Civil Disorder
8. Courtesy
9. Conduct Prejudicial to the Government

CHAPTER 1

ADMINISTRATION

1. 5 CFR 735, 5 CFR 2635 and 5 USC Chapter 73 requires that all Federal employees (technicians) are informed of the Standards of Conduct upon employment and that the standards be brought to the attention of employees on an annual basis.
2. The Human Resource Office (HRO) will inform all newly hired technicians of the Standards of Conduct during their in-processing briefing.
3. Supervisors will remind each technician of the Standards of Conduct on an annual basis. Supervisors must be able to show by some written method when the reminder is accomplished. Written methods include annotation in the supervisory work folder with the initials of both the supervisor and employee or attendance roster signed by employees when given as a briefing.
4. It is not the intent of this publication to list every restriction or requirement imposed by statute, regulation or other proper authority. The omission of reference to any particular restriction in no way alters the fact that employees will be held accountable for their conduct if such conduct is in violation of any statute, regulation or other proper authority to which an employee is subject. Violation of any prohibited standard of conduct is a basis for disciplinary action.

CHAPTER 2

AGENCY REGULATIONS GOVERNING ETHICAL AND OTHER RESPONSIBILITIES OF EMPLOYEES

1. GIFTS, ENTERTAINMENT and FAVORS

a. Gifts from Outside Sources

Technicians are subject to restrictions on the gifts that they may accept from sources outside the Government. Generally they may not accept gifts that are given because of their official position or that come from certain interested sources (“prohibited sources”).

(1) Those sources include persons (or an organization made up of such persons) who—

(a) are seeking official action by the employee’s agency

(b) are doing or seeking to do business with the employee’s agency

(c) are regulated by the employee’s agency, or

(d) have interests that may be substantially affected by performance or nonperformance of the employee’s official duties.

(2) There are a number of exceptions to the ban on gifts from outside sources. These exceptions would allow the acceptance of gifts in the following circumstances—

(a) where the value of the gift is \$20 or less

(b) where the gift is based solely on a family relationship or personal friendship

(c) where the gift is based on an outside business or employment relationship

(d) where the gift is in connection with certain political activities.

Employees may accept gifts of free attendance at certain widely attended gatherings provided that there has been a determination that attendance is in the interest of the agency. Invitations from non-sponsors of the event may be accepted provided that certain additional conditions are met.

There are also exceptions for discounts, awards and honorary degrees, certain social events, and meals, refreshments and entertainment in foreign countries.

These exceptions are subject to some limitations on their use. For example, an employee can never solicit or coerce the offering of a gift. Nor can an employee use exceptions to

accept gifts on such a frequent basis that a reasonable person would believe that the employee was using public office for private gain.

Some other things are not treated as gifts and may be accepted without any limitations. Modest refreshments (such as coffee and donuts), greeting cards, plaques and other items of little intrinsic value, rewards and prizes open to the general public, and pension benefits from a former employer are just a few examples.

If an employee has received a gift that cannot be accepted, the employee may return the gift or pay its market value. If the gift is perishable and it is not practical to return it, the gift may, with approval, be given to charity or shared in the office.

b. Gifts between Employees

Technicians may not make a gift to an official superior nor can an employee accept a gift from another employee who receives less pay except in certain circumstances or on certain occasions.

(1) On an occasional basis, including occasions when gifts are traditionally given or exchanged, the following individual gifts to a supervisor are permitted;

- (a) gifts other than cash that are valued at no more than \$10
- (b) food and refreshments shared in the office among employees
- (c) personal hospitality in the employee's home that is the same as that customarily provided to personal friends
- (d) gifts given in connection with the receipt of personal hospitality that is customary to the occasion, and
- (e) transferred leave provided that it is not to an immediate superior.

(2) On certain special infrequent occasions a gift may be given that is appropriate to that occasion. These occasions include—

- (a) events of personal significance such as marriage, illness or the birth or adoption of a child, or
- (b) occasions that terminate the subordinate-official superior relationship such as retirement, resignation or transfer.

Employees may solicit or contribute, on a strictly voluntary basis, nominal amounts for a group gift to an official superior on special infrequent occasions and occasionally for items such as food and refreshments to be shared among employees at the office.

2. Outside Activities

Technicians are subject to a number of limitations on the outside activities in which they may be involved. *An employee may not have outside employment or be involved in an outside activity that conflicts with the official duties of the employee's position.* An activity conflicts with official duties—

- (a) if it is prohibited by statute or by the regulations of the employee's agency, or
- (b) if the activity would require the employee to be disqualified from matters so central to the performance of the employee's official duties as to materially impair the employee's ability to carry out those duties.

Employees generally may not be paid for outside teaching, speaking and writing if the activity relates to the employee's official duties. However, there is an exception that would allow an employee to be paid for teaching certain courses at accredited educational institutions. Employees may not use their official title or position (except as part of a biography or for identification as the author of an article with an appropriate disclaimer) to promote a book, seminar, course, program or similar undertaking.

Employees may engage in fundraising in a personal capacity subject to several restrictions. An employee cannot solicit funds from subordinates. And an employee cannot solicit funds from persons who have interests that may be affected by the employee's agency such as those who are regulated by, seeking official action from, or doing business with the agency. Also an employee cannot use or permit the use of the employee's official title, position or authority to promote the fundraising effort.

3. Misuse of Position

Technicians must not use their public office for their own or another's private gain. Employees are not to use their position, title or any authority associated with their office to coerce or induce a benefit for themselves or others.

Employees also are not to use or allow the improper use of nonpublic information to further a private interest, either their own or another's.

Employees may not use Government property for other than authorized purposes. Government property includes office supplies, telephones, computers, copiers and any other property purchased with Government funds.

Employees may not misuse official time. This includes the employee's own duty time as well as the time of a subordinate.

4. Conflicting Financial Interests

Technicians are prohibited by a Federal criminal statute from participating personally and substantially in a particular matter that will affect certain financial interests. Those

include the financial interests of—

- (a) the employee
- (b) the employee's spouse or minor child
- (c) the employee's general partner
- (d) an organization in which the employee serves as an officer, director, trustee, general partner or employee, and
- (e) a person with whom the employee is negotiating for or has an arrangement concerning prospective employment.

There are a number of ways in which an employee may deal with a potential conflict of interest. The employee may simply not participate in the matter that would pose the conflict. This is called "recusal." The employee may also obtain a waiver from the agency, sell off or "divest" the conflicting interest, or resign from the conflicting position. Which remedy is appropriate will depend upon the particular circumstances.

Agencies, may by supplemental regulation, prohibit or restrict the holding of certain financial interests by all agency employees or a group of employees, and a few extend such restrictions to the employee's spouse and minor children.

5. Indebtedness

Employees are required to pay each just financial obligation in a proper and timely manner, especially one imposed by law such as federal, state and local taxes. A "just" financial obligation means one acknowledged by the employee or reduced to judgment by a Court or one imposed by law such as federal, state and local taxes and in a proper and "timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer.

6. Gambling, Betting and Lotteries

An employee is prohibited from participating while on Government owned or leased property or while on duty for the Government in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

7. Engaging in Riots or Civil Disorders

Participating in Riots or Civil Disorder is incompatible with Government employment. An individual convicted by any Federal, State, or local court of competent jurisdiction of—

(a) inciting a riot or civil disorder;
(b) organizing, promoting, encouraging, or participating in a riot or civil disorder;
(c) aiding or abetting any person in committing any offense specified in clause (1) or (2);
or
(d) any offense determined by the head of the employing agency to have been committed in furtherance of, or while participating in, a riot or civil disorder;
shall, if the offense for which he is convicted is a felony, be ineligible to accept or hold any position in the Kansas National Guard for the five years immediately following the date upon which his conviction becomes final. For the purposes of this section, "felony" means any offense for which imprisonment is authorized for a term exceeding one year. Any such individual holding a position in the Kansas National Guard on the date his conviction becomes final shall be removed from such position.

8. Courtesy

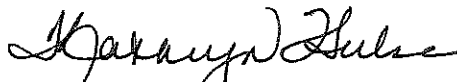
Employees are required to be courteous in all their dealings with the general public, members of Congress and their co-workers, to the extent this requirement will not infringe upon the employees legal rights. It is expected that employees will perform courteously, even if treated discourteously, by members of the public or co-workers. Employees should be periodically reminded that, where appropriate, courtesy demonstrated to the public and co-workers may be included as a factor in performance standards.

9. Conduct prejudicial to the Government

An employee is prohibited from engaging in criminal, infamous, dishonest, immoral or notoriously disgraceful conduct or other conduct prejudicial to the Government.

THE PROPONENT FOR THIS PUBLICATION IS THE OFFICE OF THE ADJUTANT GENERAL OF KANSAS. USERS ARE INVITED TO SEND COMMENTS AND SUGGESTED IMPROVEMENTS TO THE ADJUTANT GENERAL OF KANSAS, ATTN: HRO 2800 SW TOPEKA BLVD. TOPEKA, KANSAS 66611-1287

FOR THE ADJUTANT GENERAL


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